

REMARKS

The present application has been considered in view of the Office Action that was mailed on March 9, 2011. Claims 1-20 are currently pending in the present application. Claims 1 and 9 have been amended herein and claims 8 and 16-20 have been cancelled. Applicant reserves the right to pursue the subject matter of the original claims 1 and 9 and the subject matter of the cancelled claims in a divisional or continuation application. It is respectfully submitted that all claims currently pending in this application are fully supported by the specification, introduce no new matter, and are allowable over the prior art of record. Reconsideration of the present application is respectfully requested in view of the amendments and the following remarks.

Information Disclosure Statement

In the Office Action, the Examiner requested that Applicant point out any particular references in the IDS which they believe may be of particular relevance to the present application. The references in the IDS do not constitute a complete or exhaustive listing of the relevant art or that the references are prior art. The references are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of the references, they will assist in identifying fields of search and in making as full and complete a search as possible.

Replacement Abstract

A new abstract has been provided per the Examiner's request to conform with 37 C.F.R. 1.52(b)(4).

Allowable Subject Matter

Applicant notes with appreciation the indication that claims 8 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

In order to expedite prosecution of this application, Applicant has canceled claims 8 and 16 and amended claims 1 and 9 to include the features recited in claims 8 and 16, respectively.

Accordingly, Applicant respectfully requests allowance of claims 1 and 9. Additionally, since claims 2-7 and 10-15 ultimately depend from claims 1 and 9, respectively, and contain all of the features of their respective independent claims, allowance of claims 2-7 and 10-15 is also respectfully requested.

Rejections under 35 U.S.C. §102

Claims 1-7 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,074,089 to Hollander et al. (hereinafter "Hollander").

As discussed above with regard to the allowable subject matter of claim 8, Applicant has amended claim 1 to include the features recited in claim 8. Accordingly, withdrawal of this rejection and allowance of claim 1 is respectfully requested.

Since claims 2-7 ultimately depend from independent claim 1, and contain all of the features of independent claim 1, for reasons analogous to those presented above for the patentability of claim 1, withdrawal of this rejection and allowance of claims 2-7 is respectfully requested.

Rejections under 35 U.S.C. §103

Claims 9-15 and 17-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,498,261 to Strul (hereinafter "Strul") in view of Hollander.

Claims 17-20 have been cancelled herein. Accordingly the rejection with respect to claims 17-20 is moot and Applicant reserves the right to pursue the subject matter of the canceled claims in a divisional or continuation application.

As discussed above with regard to the allowable subject matter of claim 16, Applicant has amended claim 9 to include the features recited in claim 16. Accordingly, withdrawal of this rejection and allowance of claim 9 is respectfully requested.

Since claims 10-15 ultimately depend from independent claim 9, and contain all of the features of independent claim 9, for reasons analogous to those presented above for the patentability of claim 9, withdrawal of this rejection and allowance of claims 10-15 is respectfully requested.

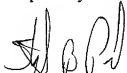
Conclusion

In view of the foregoing amendments and remarks, reconsideration of the application and allowance of all pending claims is earnestly solicited.

Should the Examiner believe that a telephone interview may facilitate prosecution of this Application, the Examiner is respectfully requested to telephone Applicant's undersigned representative at the number indicated below.

Please charge any deficiency as well as any other fee(s) that may become due under 37 C.F.R. § 1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s), to Deposit Account No. 50-5016.

Respectfully submitted,



Stephen B. Perkins
Reg. No. 45,009
Attorney for Applicant

Date: 6/6/2011

Mailing Address:

COVIDIEN
Energy-Based Devices
Attn: IP Legal
5920 Longbow Drive
Mail Stop A36
Boulder, CO 80301
303-581-7010